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October 4, 2024

Re: *In re LIBOR-Based Financial Instruments Antitrust Litigation*, 11-MD-2262 (NRB)

Via ECF

The Honorable Naomi Reice Buchwald  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Dear Judge Buchwald:

As liaison counsel, and pursuant to Rule 2.H of Your Honor’s Individual Practices, we write on behalf of all remaining Defendants in the above-referenced multidistrict litigation to respectfully request permission to file under seal: (i) Defendants’ joint motion for summary judgment on the “upstream” issues, including the supporting memoranda of law and related materials; and (ii) Defendants’ motions to exclude expert testimony under Federal Rule of Evidence 702 and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), and related documents (collectively, “Defendants’ Upstream Motions”).

Defendants’ Upstream Motions contain a substantial amount of material that has been designated Confidential or Highly Confidential pursuant to the Amended Stipulation and Protective Order, dated May 12, 2016 (ECF No. 1405), including personally identifiable information and commercially sensitive business information of Defendants. Defendants—and others whose information may be at issue—would be disadvantaged if this information were to be made publicly available. *See, e.g., In re Parmalat Sec. Litig.*, 258 F.R.D. 236, 244 (S.D.N.Y. 2009) (“Notwithstanding the presumption of public access to judicial records, courts may deny access to records that are ‘sources of business information that might harm a litigant’s competitive standing.’” (quoting *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978))).

Pursuant to Your Honor’s Individual Practices, the Court’s ECF Rules & Instructions, and the Court’s Order dated September 27, 2024 (ECF No. 4136), Defendants’ Upstream Motions are filed herewith entirely under seal, and Defendants will file within 14 days Defendants’ Upstream Motions with any redactions on the public docket and a second complete set of the same, with any redactions highlighted, under seal, as required by Section 6.8 of the Court’s ECF Rules & Instructions.

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Respectfully submitted,

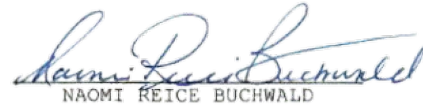
/s/ Arthur J. Burke

Arthur J. Burke

cc: All counsel via ECF

Application granted.

**So ordered.**

A handwritten signature in blue ink, appearing to read "Naomi Reice Buchwald", is written over a horizontal line.

NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE

Dated: October 11, 2024

New York, New York